

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RAMON RAMOS, #1384334	§	
VS.	§	CIVIL ACTION NO. 6:15cv807
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Ramon Ramos, an inmate confined at the Beto Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed as time-barred. Petitioner has filed objections.

Petitioner is challenging his Smith County conviction for aggravated assault against a public servant. He was sentenced to life imprisonment on July 17, 2006. He did not timely file a notice of appeal, and his conviction became final. The present petition was due on August 16, 2007, in the absence of toling provisions. It was not filed until more than eight years later on August 25, 2015. In his petition and objections, he noted that he filed a series of motions in state court in 2013. By then, however, the present petition was already time-barred. Petitioner has not shown that his petition may be saved by either statutory or equitable tolling.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #7) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 6th day of November, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE